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Council Bill Number: 113126

Ordinance Number: 119893

AN ORDINANCE relating to the Police Department, temporarily continuing the position of the Internal Investigations Auditor pending confirmation of the Office of Professional Accountability Review Board Auditor, setting forth the duties of the Internal Investigations Auditor, ratifying and confirming prior acts, and amending Chapter 3.28 of the Seattle Municipal Code in connection therewith.

Status: Passed

Date passed by Full Council: March 20, 2000

Vote: 7-0 (Excused: Drago, McIver)

Date filed with the City Clerk: March 27, 2000

Date of Mayor's signature: March 23, 2000

[\(about the signature date\)](#)

Date introduced/referred to committee: March 13, 2000

Committee: Public Safety and Technology

Sponsor: COMPTON

Index Terms: INTERNAL-INVESTIGATIONS, AUDITS, POLICE-DEPARTMENT

References/Related Documents: Amending: Ord 119825

Fiscal Note: *(No fiscal note available at this time)*

Text

ORDINANCE _____

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AN ORDINANCE relating to the Police Department, temporarily continuing the position of the Internal Investigations Auditor pending confirmation of the Office of Professional Accountability Review Board Auditor, setting forth the duties of the Internal Investigations Auditor, ratifying and confirming prior acts, and amending Chapter 3.28 of the Seattle Municipal Code in connection therewith.

WHEREAS the City Council passed Ordinance 119825 on December 13, 1999, replacing the Internal Investigations Auditor with the Office of Professional Accountability Review Board and an Auditor hired by said Board; and,

WHEREAS it is in the best interests of the City to provide for continued review of Seattle Police Department Office of Professional Accountability files pending the confirmation of the Office of Professional Accountability Review Board Auditor and to provide for a smooth transition after the Board and Auditor are confirmed, NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.28.600 of the Seattle Municipal Code, as most recently amended by Ordinance 119825, is further amended as follows:

3.28.600 Office of Professional Accountability Review Board

A. There is created an Office of Professional Accountability Review Board (hereinafter "OPA Review Board") to establish independent review of the Office of Professional Accountability ("OPA") complaint handling process in a manner that will have the confidence of the general public, police officers, and complainants; and to enhance the credibility of the Office of Professional Accountability and the OPA investigation process. The OPA Review Board and the OPA Review Board Auditor shall not participate in the management of the day-to-day functions of the Department, which are the responsibility of the Chief of Police. The OPA Review Board shall consist of three (3) members. The OPA Review Board shall, subject to City Council consultation and confirmation, and as provided by ordinance, hire a full-time Auditor ("OPA Review Board Auditor") as its staff. The OPA Review Board Auditor shall: report to the OPA Review Board; audit, in accordance with SMC 3.28.630 and SMC 3.28.640, the work of the Office of Professional Accountability as to its handling, processing and investigation of complaints filed with that office; and assist the OPA Review Board in the performance of their duties as provided in this Chapter.

B. The position of the Internal Investigations Auditor that was created in Ordinance 115975 shall continue in full force and effect. The Internal Investigations Auditor shall perform the following tasks:

1. Audit of All Investigations of Complaints of Unnecessary or Excessive Force. The Auditor shall audit all completed OPA case files involving complaints of unnecessary or excessive force. Before a case file involving a complaint of unnecessary or excessive force is referred to the subject officer's chain of command for review and recommendations, and no more than three (3) business days after the OPA has completed its investigation, the Department shall forward a complete copy of the file to the Auditor.

2. Random Audit of Investigations of Complaints Not Involving Unnecessary or Excessive Force Allegations. Each calendar year, the Auditor shall audit on a random basis approximately twenty percent (20%) of the completed OPA case files involving complaints other than those involving unnecessary or excessive force. The Department shall notify the Auditor of the completion of case files on a weekly basis. The case file shall be forwarded to the subject officer's chain of command for review and recommendations, if, within ten (10) business days of notification of completion, the Auditor has not advised the Department s/he will audit the investigation. The Auditor may audit a completed case file after referral to the subject employee's chain of command; provided, however, in such instance the Auditor shall not request follow-up investigation.

The frequency of audits under this subsection shall be as determined by the Auditor; provided, however, audits of completed case files shall take place at unscheduled intervals not to exceed ninety (90) days following initiation of the last audit.

3. Auditor May Request Further Investigation. The Auditor shall use best efforts to complete audits under subsections 1 and 2 herein-above

without unreasonably delaying review of the case file by the subject officer's chain of command. After reviewing the file, the Auditor may request the OPA, through the Chief of Police, to conduct further investigation. The Auditor shall provide a written statement to the Chief of Police identifying the reasons for his/her request for a follow-up investigation. Criteria the Auditor should consider includes but is not limited to: (a) whether witnesses were contacted and evidence collected; (b) whether interviews were conducted on a thorough basis; and (c) whether applicable OPA procedures were followed. In the event the Chief of Police disagrees with this recommendation, he or she shall within five (5) days provide the Auditor with a written statement of the grounds for this decision.

4. Transition. The Auditor shall continue to serve up to ninety days after the City Council confirms the first OPA Review Board Auditor in order to advise the OPA Review Board and OPA Review Board Auditor on implementation of the OPA review process unless the OPA Review Board files a notice of termination with the City Clerk any time after the confirmation of the first OPA Review Board Auditor.

Section 2. Subsection B of SMC 3.28.600 is repealed effective the earlier of: a) ninety (90) days after confirmation of the first Office of Professional Accountability ("OPA") Review Board Auditor by the City Council in accordance with SMC 3.28.600 as amended by Section 1, Ordinance 119825, or b) the filing with the City Clerk by the Office of Professional Responsibility Review Board of a notice of termination of the position of Internal Investigations Auditor any time after the confirmation of the first Office of Professional Accountability ("OPA") Review Board Auditor by the City Council. At the effective time of the repeal, the position of Internal Investigations Auditor is abrogated.

Section 3. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2002, and signed by me in open session in authentication of its passage this ____ day of _____, 2002.

President _____ of the City Council

Approved by me this ____ day of _____, 2002.

Mayor

Filed by me this ____ day of _____, 2002.

City Clerk

(Seal)

SLG:s1g

March 8, 2000

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(Ver. 2)

